



PUBLIC NOTICE

Federal Communications Commission
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DA 09-605
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF NEVADA UTILITIES, INC. TO NEVADA TELECOM SOLUTIONS

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-27

Comments Due: March 30, 2009

Reply Comments Due: April 6, 2009

On February 27, 2009, Nevada Utilities, Inc. (Nevada Utilities) and its former shareholders and Nevada Telecom Solutions (NTS) and its shareholders (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ seeking approval of a transfer of control that was consummated on April 26, 2008.²

Nevada Utilities, a Nevada corporation, is a competitive local exchange carrier providing resold interstate long-distance service in the greater Las Vegas, Nevada area.³ Prior to the transfer that is the subject of this application, Nevada Utilities was a privately-held company, held in 100% joint ownership by Robert Jancovics and his wife, Anita, both U.S. citizens. NTS, a Nevada corporation, is a holding company formed for the purpose of acquiring 100 percent of the stock of Nevada Utilities. On April 26, 2008, the Applicants consummated a Stock Purchase Agreement, pursuant to which NTS purchased all of the outstanding shares of Nevada Utilities, and Nevada Utilities became a wholly-owned subsidiary of NTS. The following individuals, all U.S. citizens, directly or indirectly own at least 10 percent of the equity of NTS: Jack Pestaner (33.33%), Jason McLemore (33.33%), and Jason Koenders (33.33%). Applicants state that no other individual or entity holds a 10% or greater interest in NTS.

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants filed a supplement to their domestic section 214 application on March 13, 2009.

² As this transaction was consummated without prior Commission approval, Applicants separately filed a request for Special Temporary Authority (STA). Applicants state that the delay in requesting consent for the transfers of control at issue occurred because Applicants were unaware of their domestic section 214 application and approval obligations at the time the transaction was consummated. Applicants further state that they filed the STA and application to correct the deficiency. On March 12, 2009, the Wireline Competition Bureau granted the STA for the domestic authorization for a period of 60 days. *See* Letter from Michelle Cohen on behalf of Applicants, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-27 (filed Feb. 24, 2009). A grant of this application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

³ Nevada Utilities has interconnection agreements with Central Telephone Company, d/b/a Embarq, and Nevada Bell, d/b/a AT&T.

Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁴

Domestic Section 214 Application Filed for the Transfer of Control of Nevada Utilities, Inc. to Nevada Telecom Solutions, WC Docket No. 09-27 (filed Feb. 27, 2009).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before March 30, 2009**, and reply comments **on or before April 6, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁵ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

In addition, e-mail one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpweb.com; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Alex Johns, Competition Policy Division, Wireline Competition Bureau, alexis.johns@fcc.gov;
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257,

⁴ 47 C.F.R. § 63.03(b)(1)(ii).

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Alex Johns at (202) 418-1167.

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